



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8090 of 2019

1. Alagumani
2. Guna
3. Ragupathi,
(Wrongly Mentioned as Ramki)
4. Raju
5. Valarmathi
(Wrongly Mentioned as Malar) ... Petitioners/Accused Nos.1 to 5

Vs

The State rep.by its,
The Sub Inspector of Police,,
Musiri Police Station,
Trichy District.
Crime No.164/2019. ... Respondent/Complainant

For Petitioner : M/s.C.Jeyaprakash,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 164 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 323 and 506 (ii) of IPC and Section 4 of TNPHW Act, in Crime No.164 of 2019, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides.



3. The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the defacto complainant took a photograph of the Neem tree, which belongs to the local panchayat and gave a requisition to the panchayat board to cut the said tree. Since, the petitioners opposed for cutting the said tree, the defacto complainant gave a false complaint against the petitioners and hence, he prayed to grant anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that when the defacto complainant took a photograph of the Neem tree for the purpose of giving the same to the panchayat, requesting them to cut the said tree as it is causing hindrance for giving electricity supply to his house, the petitioners herein indiscriminately attacked the defacto complainant and caused injuries, and hence, he opposed this petition. However, he fairly conceded that already injured has been discharged from the hospital.

5. Taking into consideration the allegations made against the petitioner and also the fact that already injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

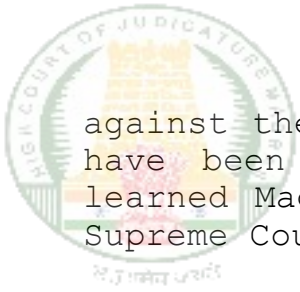
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE, MUSIRI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3.THE SUB INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.JEYAPRAKASH Advocate SR.No.9724

ORDER
IN
CRL OP(MD) No.8090 of 2019
Date :14/06/2019

DSS
PK/JC/SAR-2/24.06.2019 : 3P/6C